

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR (1) APPROVAL OF A)	
DEVIATION FROM THE REQUIRMENTS OF)	
807 KAR 5:006, SECTION 8(1)(d)(3)(d), AND)	
807 KAR 5:006, SECTION 11(5), TO PERMIT)	CASE NO.
THE COMPANY TO ESTABLISH ADDITIONAL)	2015-00364
MEANS OF MAKING REFUNDS; (2) FOR)	
AUTHORITY TO AMEND ITS TARIFFS TO)	
ESTABLISH ADDITIONAL MEANS OF MAKING)	
REFUNDS; AND (3) FOR ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

ORDER

On January 14, 2016, Kentucky Power Company ("Kentucky Power") pursuant to 807 KAR 5:001, Section 13(2), moved that certain portions of its responses to data requests from Commission Staff and the Attorney General of the Commonwealth of Kentucky ("AG") filed with the Commission be afforded confidential treatment. The information is more particularly described as privately negotiated terms of the Multipurpose Prepaid Card Program Agreement between Kentucky Power and Citibank, N.A., contained in Kentucky Power's responses to Commission Staff's First Request for Information ("Staff's First Request"), Items 5 and 17, and the AG's Initial Request for Information ("AG's First Request"), Item 3.h. Kentucky Power requests that these privately negotiated terms remain confidential for the two-year term of the agreement and any renewal of the agreement.

In support of this motion, Kentucky Power states that disclosure of the designated information would permit an unfair competitive advantage to Kentucky

Power's competitors if it were publicly disclosed, and thus is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in Kentucky Power's responses to Staff's First Request, Items 5 and 17, and the AG's First Request, Item 3.h., meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13. The Commission further finds that the designated information should not be placed in the public record or made available for public inspection through November 18, 2016, which is when the two-year term of the agreement ends, or until further Orders of this Commission.

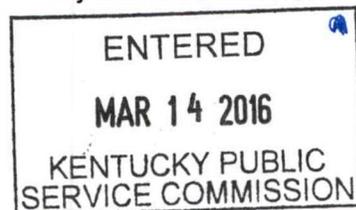
IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential protection is hereby granted.
2. Kentucky Power's responses to Commission Staff's First Request, Items 5 and 17, and the AG's First Request, Item 3.h., shall not be placed in the public record or made available for public inspection for the two-year term of the agreement, through November 18, 2016, or until further Orders of this Commission.
3. If the subject agreement is renewed, Kentucky Power shall timely notify the Commission's Executive Director in writing and request an extension of time in which the agreement should remain confidential.
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
5. Kentucky Power shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Kentucky Power shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

By the Commission



ATTEST:


Acting Executive Director

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